

FILED

JUN 19 2018

Clerk, U S District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ETHAN ROBERT CORD ESSER,

Defendant.

CR 17-92-BLG-SPW

**PRELIMINARY ORDER OF
FORFEITURE**

WHEREAS, in the indictment in the above case, the United States sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. §§ 881(a)(11) and 853, as property used or intended to be used to facilitate the violations alleged in the indictment, or as proceeds of said violations;

AND WHEREAS, on April 19, 2018, the defendant Esser entered pleas of guilty to count I of the indictment charging him with possession with intent to distribute methamphetamine and count II of the indictment charging him with possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, by virtue of said guilty pleas, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. §§ 881(a)(11), 853, and Fed. R. Crim. P. Rule 32.2(b)(2).

ACCORDINGLY, IT IS ORDERED:

1. That based upon the plea of guilty by defendant Esser to counts I and II contained in the indictment, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- Brown and silver bolt-action rifle, 7x62 caliber, with no serial number;
- Savage Industries, Inc., model 110E, .243 caliber rifle, serial number E640115;
- Hi-Point, model 995, 9mm caliber rifle, serial number obscured;
- FA Cugir, M&M Inc., M10-762, 7x62 caliber rifle, serial number MA-18143-13;
- L1A1 Sporter, model CA1, .308 caliber rifle, serial number 9602302B60;
- Mossberg, model 500, 12-gauge shotgun, serial number T545750;
- Mossberg model 500, 12-gauge shotgun, with obliterated serial number;
- Bolt-action rifle, unknown manufacturer, serial number BP8155;

- Mossberg, model 100ATR, .270 caliber rifle, serial number BA321762;
- SKS-style semi-automatic rifle, unknown manufacturer, serial number J-333029;
- Marlin, model 1894, .357 lever-action rifle, serial number 20168390;
- Savage Arms Inc., model Axis, 30/06 caliber rifle, serial number H278767;
- Hi-Point, model JBP, .45 ACP caliber pistol, serial number X4158721;
- Smith & Wesson, model 6452, 9mm caliber pistol, serial number RSR0473;
- Beretta, 9mm caliber pistol, serial number TX09972;
- 1911 style pistol, painted pink and black, serial number obscured;
- Glock, model 30, .45 auto caliber pistol, serial number VTN620; and
- Ruger, model 1911-style pistol, serial number 671-88667; and
- Approximately \$1,980 in U.S. Currency.

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.

3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general

circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

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DATED this 18th day of June, 2018.

Susan P. Watters
SUSAN P. WATTERS
United States District Judge